



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Vacant, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, July 13, 2016

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris and Philip M. Goldstein

Absent: Michelle Cooper Kelly

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:05 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Goldstein to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20160732

Oath of Office

Administration of Oath of Office of Griffin L. Chalfant to Cobb Marietta Water Authority Board by Mayor Tumlin.

Oath Administered

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20160604 Scheduled Appearance - Ms. Josephine Taylor, Ward 6**

Wishes to address the Mayor and Council about "Code Enforcement Issues."

Presented

20160696 Scheduled Appearance - Larry Wills

Wishes to address council about "Redevelopment."

Present

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Pro tem Johnny Walker briefly explained the consent agenda process. City Attorney Douglas Haynie noted the following changes to the consent agenda:

-under Minutes: Agenda item 20160713 remained on the consent agenda, approved as amended.

-under Judicial/Legislative: Agenda item 20160664 was removed from the consent agenda.

-under Public Works: Agenda item 20160602 remained on the consent agenda and amended to read, "Motion authorizing installation of three speed tables on West Dixie Avenue and three speed tables on Gramling Streets to be considered by Council."

-under Public Works: Agenda item 20160423 was amended to read, "Motion to begin the process to install two speed tables on Knollwood Drive, Hope Street, Pamela Street and Forest Lane."

-under Other Business: Agenda item 20160699 remained on the consent agenda and amended to read, "Motion authorizing the Project Framework Agreement (PFA) with GDOT for PI # 0015049 Rottenwood Creek Trail Phase II."

-under Other Business: Agenda item 20160607 was removed from the agenda.

-under Other Business: Agenda items 20160712 and 20160711 were removed from the consent agenda.

-under Other Business: Agenda item 20160729 was added to the consent agenda with Council member Chalfant abstaining and Council member Goldstein opposed.

-under Other Business: Agenda item 20160735 was added to the consent agenda and amended to read, "Motion to install three speed tables on Knollwood Drive and three speed tables on Forest Lane, as shown in Option B." Public hearing required.

A motion was made by Council member Goldstein, seconded by Council member Fleming, to suspend the rules of order to add an item to consent agenda authorizing the Project Framework Agreement (PFA) with GDOT for the Rottenwood Creek Trail Phase I. The motion carried by the following vote:

*Vote: 5 – 0 – 0 Approved
(See agenda item 20160745)*

Mr. Haynie opened the public hearing for those items on the consent agenda requiring a public hearing.

Michelle Chesnut, who lives on Hope Street, spoke in favor of the Hope Street and Pamela Street speed tables.

Glen Harris, who lives on Hope Street, spoke in favor of the Knollwood Drive and Forest Lane speed tables.

Mike Hollnick, who lives on Gramling Street, spoke in favor of the West Dixie and Gramling Street speed tables.

Ralph Burr, who lives on Debonaire Drive, expressed concern regarding speed tables in the area, as they may slow the response of emergency vehicles.

Mr. and Mrs. Hamilton Barrent, who live on Mountain View Road, inquired regarding the process of installing speed tables on Mountain View Road.

Brenda Paker, who lives near Pauline and Stewart Circle, was not opposed to speed tables on Knollwood Drive and Forest Lane, but expressed concern regarding increased traffic on their street as a result.

Larry Wills, who lives on Oakmont Drive, expressed concern regarding proposed action related to Financial Disclosures.

Seeing no one else wishing to speak, the public hearing was closed.

A motion was made by Council member Walker, seconded by Council member Fleming, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 5 – 0 – 0

Approved

with the exception of the following:

Council member Goldstein abstaining on agenda items 20160640, 20160649, 20160650, 20160654, 20160728

Council member Goldstein voting against agenda items 20160602, 20160729 and 20160735

Council member Chalfant abstaining on agenda item 20160729

MINUTES:

*** 20160713 Executive Session Minutes**

Review and approval of the following executive session minutes:

January 12, 2015 Agenda Work Session

January 14, 2015 Agenda Review Session

January 28, 2015 Special Called Agenda Work Session

February 9, 2015 Agenda Work Session

February 11, 2015 City Council Meeting

March 11, 2015 Agenda Review Session

March 25, 2015 Special Called Agenda Work Session

April 8, 2015 Agenda Review Session

April 29, 2015 Special Called Agenda Work Session

May 11, 2015 Agenda Work Session

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0

Approved as Amended

*** 20160673 Regular Meeting - June 8, 2016**

Review and approval of the June 8, 2016 regular meeting minutes.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0

Approved

MAYOR’S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

* **20160523 Z2016-16 [REZONING] CG NORTHCHASE**

Z2016-16 [REZONING] CG NORTHCHASE is requesting the rezoning of 9.34 acres located in Land Lots 797 and 798, District 17, Parcels 2060 and 0300, 2nd Section, Marietta, Cobb County, Georgia, and being known 1130 and 1140 Northchase Parkway from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with an additional use for a secondary school.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

* **20160526 Z2016-19 [REZONING] KATHY GORRELL (CHARLOTTE EVANS)**

Z2016-19 [REZONING] KATHY GORRELL (CHARLOTTE EVANS) is requesting the rezoning of 0.3 acres located in Land Lot 288, District 17, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia, and being known as 508 West Atlanta Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units / acre). Ward 1A.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

* **20160501 Z2016-20 [REZONING] CITY OF MARIETTA**

Z2016-20 [REZONING] CITY OF MARIETTA is requesting the rezoning of 28.6 acres located in Land Lots 716, 717, 724, & 725, District 17, Parcel 0140, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1019 Franklin Gateway from PRD-MF (Planned Residential Development - Multi Family) to PCD (Planned Commercial Development). Ward 7A.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

* **20160518 Z2016-15 [REZONING] RICHARD CARLTON ET AL.**

Z2016-15 [REZONING] RICHARD CARLTON ET AL. (due to number of individual parcels, a full list of titleholders is available at the Marietta Planning & Zoning Division) are requesting the rezoning of 1.32 acres located in Land Lots 939 & 1006, District 16, Parcels 0360, 0370, 0380, 0390, 0400, 0410, 0420, 0430, and 0440 , 2nd Section, Marietta, Cobb County, Georgia, and being known as 840 Kennesaw Avenue Units 1B - 11B from OS (Office/Service - Cobb

County) to OI (Office Institutional). Ward 4A.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0

Approved

* **20160519**

A2016-02 [ANNEXATION] RICHARD CARLTON ET AL,

A2016-02 [ANNEXATION] RICHARD CARLTON ET AL, (due to number of individual parcels, a full list of titleholders is available at the Marietta Planning & Zoning Division) are requesting the annexation of property located in Land Lots 939 & 1006, District 16, Parcels 0360, 0370, 0380, 0390, 0400, 0410, 0420, 0430, and 0440 (also known as 840 Kennesaw Avenue, including Units 1B - 11B), of the 2nd Section, Cobb County, Georgia consisting of 1.32 acres plus all associated right of way. Ward 4A.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0

Approved

* **20160520**

CA2016-05 [CODE AMENDMENT]

CA2016-05 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lots 939 & 1006, District 16, Parcels 0360, 0370, 0380, 0390, 0400, 0410, 0420, 0430, and 0440, 2nd Section, Marietta, Cobb County, Georgia, and being known as 840 Kennesaw Avenue Units 1B-11B, the City of Marietta proposes to designate the Future Land Use of said property as CSI (Community Service & Institutional). Ward 4A.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0

Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20160697**

Denial of Claim

Motion to deny the claim of Samantha Gregory.

This matter was Approved to Deny on the Consent Agenda.

Vote: 5 – 0 – 0

Approved to Deny

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson****2. Finance/Investment: Stuart Fleming, Chairperson***** 20160693 Ordinance for final adoption of FY2017 Ad Valorem Tax Levies**

Adopting the final Ad Valorem tax levies for support of City government and public operations and debt service obligations.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0

Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson*** 20160640 Request to Advertise Public Hearing - Church Cherokee Streets Historic District**

Motion to authorize staff to advertise for the final public hearing to designate the Church Cherokee Streets Historic District as a local historic district at the August 10, 2016 City Council meeting.

Council member Goldstein disclosed that he is the owner of four (4) parcels in the proposed Church-Cherokee Street Historic District.

This matter was Approved on the Consent Agenda.

Vote: 4 – 0 – 1

Approved for Advertisement

Abstaining: Philip M. Goldstein

*** 20160642 Electrical Facility Easement**

Motion to grant an electrical facility easement to Marietta Board of Light and Water on the property known as 861 Franklin Gateway, as shown in Exhibit A, for the development of the Atlanta United FC (AUGC) corporate office and training facilities.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0

Approved

* **20160639 Detailed Plan - 720,730, 780 Canton Rd; 899 Cobb Pkwy N**

Motion to approve the detailed plan for 720, 730, 780 Canton Road and 899 Cobb Parkway North dated 6/30/16 and signed by the applicant. The 14 acre proposed townhome community was rezoned PRD-MF with stipulations in June 2016 (Z2016-13). In addition to the variances outlined in the stipulation letter, the following variance is necessary to implement the attached tree plan:

1. Variance to waive the street tree requirement along Private Drive B to those plantings shown on the attached plan.

Elevations for the rear-entry townhomes (70-90) along Private Drive B and two-story townhomes along the southern property line (1-34) to be submitted for review and approval by City Council at a later date.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0

Approved

20160664 Financial Disclosures

Approval of an Ordinance deleting Section 1-14-2-040 of the Code of Marietta, Georgia, "Financial Disclosures."

Discussion was held regarding the need for the code section regarding financial disclosures, as the state already requires financial disclosure statements.

A motion was made by Council member Morris, seconded by Council member Fleming, that this matter be tabled for further discussion. The motion carried by the following vote:

Vote: 5 – 0 – 0

Approved

Mayor Tumlin vetoed the motion.

(The official veto is on file in the City Clerk's Office.)

City Attorney Doug Haynie explained that the matter was back on the agenda, which would allow for any action by Council.

A motion was made by Council member Walker, seconded by Council member Chalfant, to approve an Ordinance deleting Section 1 14 2 040 of the Code of Marietta, Georgia, "Financial Disclosures." in its entirety, effective August 31, 2017. The motion carried by the following vote:

Vote: 4 – 1 – 0

Approved as Amended

Voting Against: Philip M. Goldstein

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

* **20160649 Request from the Kiwanis Club to permit the consumption of alcohol during the Freedom Concert on Friday, September 9, 2016.**

Motion to approve a request to approve a waiver of City Code Section 10-4-070 (E) to permit the “consumption of beer, wine, and liquor in and adjacent to Glover Park...for a bona fide charitable, eleemosynary or civic cause...” for the previously approved event that will be held on, Friday, September 9, 2016.

Council member Goldstein disclosed that he is a member of the Marietta Kiwanis Club.

This matter was Approved on the Consent Agenda.

Vote: 4 – 0 – 1 Approved
Abstaining: Philip M. Goldstein

* **20160650 ChalktoberFest Street Closure Addendum**

Motion to approve a request by the Marietta-Cobb Museum of Art to amend previously approved street closures for the ChalktoberFest event to be held the weekend of October 8th and 9th; specifically, the closure of the following streets on Friday, October 7, 2016 at 7:30 p.m. for the purpose of hosting the event; East Park Square;
Lawrence St. (Waddell St. to the square);
Cherokee St. (Hansell St. to the square) and;
The westbound lanes of Roswell St. (Waddell St. to the square).

These streets were previously approved to close on Saturday, October 8, 2016 at 6:00 a.m., but the event organizers are requesting to close these streets on Friday evening instead to aid in their setup of the event.

Council member Goldstein disclosed that he is a member of the Marietta-Cobb Museum of Art.

This matter was Approved on the Consent Agenda.

Vote: 4 – 0 – 1 Approved
Abstaining: Philip M. Goldstein

* **20160654 Marietta Kiwanis Club Request**

Motion to approve a tourism grant application for \$6,000 for city services for the Marietta Kiwanis Club concert on the Marietta Square to be held Friday, September 9.

Council member Goldstein disclosed that he is a member of the Marietta Kiwanis Club.

This matter was Approved on the Consent Agenda.

Vote: 4 – 0 – 1 Approved

Abstaining: Philip M. Goldstein

* **20160684 Marietta Museum of History Study**

Motion to authorize staff to begin study of absorbing management of operations of the MMH and the Gone with the Wind Museum, all ramifications thereto. Include operating agreement need with MMH, Inc. commencing 1/1/17 with assignment of rights and all properties and especially addressing Aviation Museum and any legal issues, as it is not within City. Said operating agreement to define responsibility and sovereign duties and rights. Budget matters to be included.

Council member Goldstein disclosed that he is a member of the Marietta Museum of History.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

* **20160651 Elizabeth Porter Park Mural Contract**

Motion authorizing the appropriation of \$14,000.00 from the 2009 Parks Bond - Category B, Improvements to Existing Parks - to engage an artist for the refinement of the design, preparation, and installation of a mural at Elizabeth Porter Park with the final mural design being approved by the city council.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

5. Personnel/Insurance: Johnny Walker, Chairperson

* **20160612 Ethics Committee - Council Appointment**

Motion to reappoint Susan Connor to the Ethics Committee (Council Appointment) for a term of two (2) years, expiring July 10, 2018.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

* **20160567 Compensation of Board Members**

Motion to amend City Code Section 1-10-6-120 - Compensation Generally, to provide for an increase in compensation as attached for board members serving at the January 2018 term of council.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

6. Public Safety Committee: Michelle Cooper Kelly, Vice Chairperson

* **20160647 Update of Noise Ordinance Relating to Fireworks**

Approval of amendments to the Noise Ordinance 10-6-020, 10-6-050 (H) to regulate time and use of fireworks within the city.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

* **20160644 Fire Prevention Ordinance Change to Include Updated Fireworks Law**

Motion to approve proposed amendments to the Fire Prevention Ordinance 2-6-160.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

7. Public Works Committee: Grif Chalfant, Chairperson

* **20160655 Sequoia Drive Speed Tables**

Motion authorizing Public Works to proceed with the process for consideration of speed tables in accordance with the Speed Table Policy.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

* **20160656 Bells Ferry Road Lighting**

Motion to authorize installation of additional street lighting on Bells Ferry Road.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

- * **20160659** **Memorandum of Understanding with GDOT for the Kennesaw Mountain to Chattahoochee River Gap Trail**
- Motion to approve the request by GDOT for an updated MOU due to the delayed federal funding schedule.
- This matter was Approved on the Consent Agenda.**
- Vote: 5 – 0 – 0** **Approved**
-
- * **20160683** **South Avenue at Haley Street Utility Pole Relocation**
- Motion to approve the request by Brock Built Homes, LLC for a variance from the Underground Utility Relocation Ordinance to relocate a utility pole.
- This matter was Approved on the Consent Agenda.**
- Vote: 5 – 0 – 0** **Approved**
-
- * **20160688** **Canton Road Underground Utilities variance**
- Motion to approve the request by Traton Homes for variance from the Underground Utilities ordinance to allow the relocation of poles in the vicinity of 720, 730, and 750 Canton Road.
- This matter was Approved on the Consent Agenda.**
- Vote: 5 – 0 – 0** **Approved**
-
- * **20160602** **West Dixie and Gramling Street Speed Tables**
- Motion authorizing installation of one speed table on West Dixie Avenue and one speed table on Gramling Street to be considered by Council. A public hearing is required.
- Motion authorizing installation of three (3) speed tables on West Dixie Avenue and three (3) speed tables on Gramling Street to be considered by Council.*
- Public Hearing held during the consent agenda.*
- This matter was Approved on the Consent Agenda.**
- Vote: 4 – 1 – 0** **Approved as Amended**
Voting Against: Philip M. Goldstein

20160622 Forest Lane, Hope Street, Knollwood Drive and Pamela Street Speed Tables

Motion authorizing installation of three speed tables on Hope Street, Pamela Street, Forest Lane and two speed tables on Knollwood Drive.

Public Hearing Required

Mayor Tumlin disclosed that a family member, Raymond S Tumlin, III, is part owner of residence at 186 Knollwood Dr. as disclosed in 6/30/16 Financial pursuant to 1-14-02-070, but if specific reference to said property, then 1-14-02-60 shall apply.

Council member Chalfant disclosed that his son lives on Hope Street.

No Action Taken

OTHER BUSINESS:

* **20160473 V2016-28 [VARIANCE] EMERSON OVERLOOK, LLC (KATHRYN RAYNOR)**

V2016-28 [VARIANCE] EMERSON OVERLOOK, LLC (KATHRYN RAYNOR) requesting a variance for property located in Land Lot 1233, District 16, Parcel CMMN, 2nd Section, Cobb County, Georgia, and being known as 326 Roswell Street, currently zoned CRC (Community Retail Commercial).
· Variance to allow trees to be removed from required planter islands.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

* **20160699 Project Framework Agreement for Rottenwood Creek Trail Phase II Planning Study**

Motion authorizing the Project Framework Agreement (PFA) with GDOT for PI # 0015049 Rottenwood Creek Trail Phase II Planning Study.

Motion authorizing the Project Framework Agreement (PFA) with GDOT for PI # 0015049 Rottenwood Creek Trail Phase II.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved as Amended

* **20160728 Transportation Enhancement (TE) Agreement**

Motion authorizing the approval of the Transportation Enhancement (TE) Agreement with GDOT related to Atherton Square.

This matter was Approved on the Consent Agenda.

Vote: 4 – 0 – 1 Approved
Abstaining: Philip M. Goldstein

* **20160607 Eminent Domain related to 426-428 Frasier Street, Marietta, Georgia**

Motion to authorize city staff and city attorney to commence eminent domain proceedings on property known as 426-428 Frasier Street, Marietta, Georgia and to authorize and direct the city staff and the city attorney to take any and all action required by law in order to acquire fee simple title to the aforementioned property. This authorization shall include the giving of proper written notice, the posting of the property, the required legal advertisements in order to commence the condemnation process and any other action required or appropriate pursuant to law. Further, this motion authorizes the City Attorney to file any appeal deemed necessary related to any ruling in this matter. Staff and the City Attorney are further authorized to negotiate a voluntary purchase of the property subject to final approval from the Mayor and Council.

This matter was Removed on the Consent Agenda.

Vote: 5 – 0 – 0 Removed

* **20160710 Charter Amendment for Salary of Mayor, Mayor Pro Tem, and Members of the City Council effective January 2018.**

Motion to approve the first reading of Amendment to the Charter for City of Marietta Section 2.12 and Section 2.7 related to Compensation for the Mayor of the City of Marietta, the Mayor Pro Tem and the members of the City Council, effective January 2018.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

First Reading

20160712**Non-Binding Special Election Contract**

Motion to approve contract to conduct a Marietta City Special Election between the City of Marietta and the Cobb County Board of Elections and Registration. The Mayor and City Clerk are hereby authorized to execute the contract to conduct the Special Election between the City of Marietta and the Cobb County Board of Elections and Registration.

Discussion was held regarding the contract with the Board of Elections, as well as, the ordinance calling for a Special Election for the Non-Binding Referendum related to term limits.

Concern was expressed and comments made by Council member Goldstein.

Further discussion was held by Council.

A motion was made by Council member Fleming, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 3 - 2 - 0**Approved**

Voting Against: Grif Chalfant and Philip M. Goldstein

20160711**Calling for a Special Election: Non-Binding Referendum: Term Limits**

Motion to approve Ordinance Calling for a Special Election: Non-Binding Referendum: Term Limits

A motion was made by Council member Morris, seconded by Council member Fleming, that this matter be Approved. The motion carried by the following vote:

Vote: 3 - 2 - 0**Approved**

Voting Against: Grif Chalfant and Philip M. Goldstein

20160722**Appeal Hearing - Officer Written Order of Case # 14-0000971 560 Powder Springs Street, Wynhaven Property**

Appeal hearing required for boarded up buildings located at 560 Powder Springs Street (Wynhaven).

Motion to (affirm) (reverse) the order of the Director of Development Services for the City of Marietta dated June 27, 2016.

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore.

Mayor Tumlin as Chairman of the Board of the BLW discloses that Kevin Moore represents, as legal counsel, the Marietta Board of Lights and Water.

Mayor Tumlin opened the hearing and called forward those wishing to speak.

City Attorney Doug Haynie introduced attorney Robert Donovan, representing the City in this matter, and attorney Brian Bush, representing the owners of property located at 560 Powder Springs Street. Mr. Haynie then explained the appeals process related to the ordinance for boarded up property. Mr. Haynie stated that the ordinance, City Code 7-4-2-150 K(3), provides for an appeal of the director's written order. After hearing the evidence in the record, Council shall determine whether to affirm or reverse the order.

The order in question was issued by Brian Binzer, Director of Development Services June 27, 2016. Council would consider the evidence presented to Mr. Binzer during the adjudicatory hearing; no new evidence would be presented. Exhibits A - J have been presented to Council for consideration, along with the transcript of the hearing.

Robert Donovan, representing the City, requested that the Council affirm the written order issued by Mr. Binzer based on the finding of facts in the order, the transcript of the adjudicatory hearing and exhibits submitted.

Brian Bush, representing the owners of property located at 560 Powder Springs Street, stated that his client was not disputing the finding of facts in the order, but would like to simply request to extend the timeframe to come into compliance. Mr. Bush explained that the owner has a binding contract with the developer Lennar Homes and the additional time was needed to submit minor changes to the detailed plans to Council for consideration. If the changes are approved during the August City Council meeting, demolition of the property would soon follow.

Discussion was held by Council and concern was expressed regarding the actual timeframe for demolition of the property. Mr. Bush stated that once the minor changes are approved, the developer would be ready to begin demolition in September.

Further discussion was held. Mr. Haynie explained that if the written order is affirmed, this matter would then be heard in the Marietta Municipal Court. There is no timeframe for a final outcome.

Mr. Binzer mentioned that the owner has applied for a demolition permit, which would expire in six months. Once they pull the permit, the developer would then have six months to begin work on the property.

A motion was made by Council member Chalfant, seconded by Council member Morris, to extend the appeal hearing until the August 10, 2016 City Council meeting. Further, any other outstanding violations shall be corrected on the property, included but not limited to draining the swimming pools, securing the fence surrounding the pools and securing all buildings. The motion carried by the following vote:

Vote: 5 - 1 - 0 Tabled
Voting Against: Stuart Fleming

* **20160729 Hope Street and Pamela Street Speed Tables**

Motion authorizing the installation of three speed tables each as located by the recommendation of the Public Works Director, on Hope Street and Pamela Street. This item is requested by Mayor Tumlin.

Council member Chalfant disclosed that his son lives on Hope Street.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 3 – 1 – 1 Approved

Abstaining: Grif Chalfant

Voting Against: Philip M. Goldstein

* **20160735 Knollwood Drive and Forest Lane Speed Tables**

Motion to install two speed tables on Knollwood Dr. and three speed tables on Forest Lane. This item is requested by Council Member Walker.

Mayor Tumlin disclosed that a family member, Raymond S. Tumlin, III, is part owner of residence at 186 Knollwood Dr. as disclosed in 6/30/16 Financial pursuant to 1-14-02-070, but if specific reference to said property, then 1-14-02-60 shall apply.

Motion to install three speed tables on Knollwood Drive and three speed tables on Forest Lane.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 4 – 1 – 0 Approved

Voting Against: Philip M. Goldstein

* **20160674 BLW Actions of July 7, 2016**

Review and approval of the July 7, 2016 actions and minutes of Marietta Board of Lights and Water.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0 Approved

20160745 Project Framework Agreement for Rottenwood Creek Trail Phase I

Motion authorizing the Project Framework Agreement (PFA) with GDOT for the Rottenwood Creek Trail Phase I.

This matter was Approved on the Consent Agenda.

Vote: 5 – 0 – 0

Approved

UNSCHEDULED APPEARANCES:

Kill Hill introduced herself as a candidate for Judge of State Court of Cobb County, Post 3.

Josephine Taylor addressed Council again regarding a code enforcement issues.

ADJOURNMENT:

The meeting was adjourned at 9:05 p.m.

Date Approved: August 10, 2016

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk